

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CIRBA INC. (d/b/a DENSIFY) as the
successor-in-interest to CIRBA IP INC.,

Plaintiff,

v.

VMWARE, INC.,

Defendant.

C.A. No. 19-742-GBW

VMWARE’S NOTICE OF RELATED FEDERAL CIRCUIT PROCEEDINGS

VMware, Inc. submits this notice to advise the Court of related proceedings regarding U.S. Patent Nos. 8,209,687 and 9,654,367, which Cirba Inc. (d/b/a Densify, the successor-in-interest to Cirba IP Inc.) has asserted against VMware.

On May 3, 2022, Cirba moved for preliminary injunctive relief.¹ (D.I. 1238.) On March 9, 2023, the Court issued a Memorandum Order denying Cirba’s motion. (D.I. 1626.)

On April 7, 2023, Cirba filed an interlocutory appeal to the Federal Circuit from the March 9, 2023 Memorandum Order. (*See* D.I. 1698 (notice of appeal), D.I. 1742 (notice of docketing of appeal, Case No. 2023-1770).)

On May 30, 2023, the Court entered judgment on the May 1, 2023 jury verdict. (D.I. 1821.)

On June 6, 2023, VMware moved to dismiss the pending appeal as moot in light of this Court’s entry of judgment on the May 1, 2023 jury verdict. (2023-1770, D.I. 11.)

¹ On January 3, 2023, at Cirba’s request, the Court severed and stayed Cirba’s counterclaims and VMware’s defenses as to U.S. Patent Nos. 10,523,492 and 10,951,459 pending resolution of Cirba’s appeals from PTAB’s Final Written Decisions. (D.I. 1583.)

On September 27, 2023, the Federal Circuit denied VMware's motion to dismiss Cirba's pending appeal without prejudice to VMware raising its jurisdictional argument in its merits briefing. *See Cirba Inc. v. VMware, Inc.*, No. 2023-1770, D.I. 16 (Fed. Cir. Sep. 27, 2023) (Ex. A). The Federal Circuit also ordered that Cirba's opening brief be due within 30 days, or by October 27, 2023. *Id.* at 4.

Cirba's appeal to the Federal Circuit remains pending. VMware will keep the Court apprised of relevant developments in those proceedings.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 13, 2023, a copy of the foregoing document was served on the counsel listed below in the manner indicated:

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